

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

NIKI ANN HUFFMAN

Applicant for Registered Nurse License

Respondent

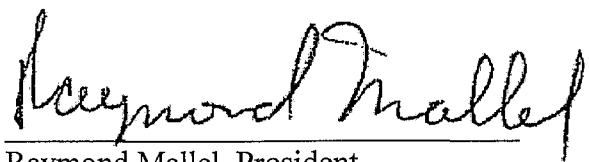
Case No. 2013-109

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reproval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 8, 2013.**

IT IS SO ORDERED **February 7, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
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7 *Attorneys for Complainant*

ORIGINAL

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2013-109

13 **NIKI ANN HUFFMAN**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR
LETTER OF PUBLIC REPROVAL**

14 Applicant for Registered Nurse License

15 Respondent.

[Bus. & Prof. Code § 495]

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
21 of Registered Nursing, Department of Consumer Affairs, ("Board"). She brought this action
22 solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney
23 General of the State of California, by Leslie A. Burgermyer, Deputy Attorney General.

24 2. Respondent Niki Ann Huffman ("Respondent") is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about November 22, 2011, the Board received an Application for Licensure by
27 Examination from Niki Ann Huffman ("Respondent"). On or about October 22, 2011,
28 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and

1 representations in the application. The Board denied Respondent's application on February 13,
2 2012. Respondent timely filed her request for an appeal hearing.

3 **JURISDICTION**

4 4. Statement of Issues No. 2013-109 was filed before the Board and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on August 22, 2012. A copy of Statement of Issues No. 2013-109 is
7 attached hereto, marked Exhibit A, and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations in
10 Statement of Issues No. 2013-109. Respondent has also carefully read, and understands the
11 effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
14 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
15 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
16 to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in Statement of
23 Issues No. 2013-109.

24 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
25 agrees to be bound by the Board's letter of public reprimand as set forth in the Disciplinary Order
26 below.

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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 **IT IS HEREBY ORDERED** that the application of Respondent Niki Ann Huffman
6 ("Respondent") for licensure is hereby granted. Upon successful completion of the licensure
7 examination and all other licensing requirements, a Registered Nurse License shall be issued to
8 Respondent. Immediately after issuance, the Registered Nurse License issued to Respondent
9 shall, by way of letter from the Board's Executive Officer, be publicly reproved. The letter shall
10 be in the same form as the letter attached as Exhibit B to this stipulation.

11 **ACCEPTANCE**

12 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repeval.
13 I understand the stipulation and the effect it will have on my Registered Nurse License. I enter
14 into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily,
15 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
16 Registered Nursing. I understand that the Board's letter of public reproof will be in my history
17 with the Board for three years from the date of the Board's Decision and Order.

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19 DATED: 10/07/2012

Niki Ann Huffman
NIKI ANN HUFFMAN
Respondent

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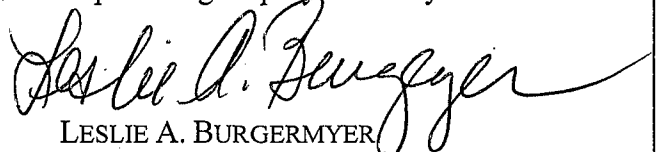
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Letter of Public Reprimand is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: October 10, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2013-109

1 KAMALA D. HARRIS
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2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:
12 **NIKI ANN HUFFMAN**
13 Applicant for Registered Nurse License
14 Respondent.

Case No. **2013-109**
STATEMENT OF ISSUES

15 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

16 **PARTIES**

17 1. Complainant brings this Statement of Issues solely in her official capacity as the
18 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
19 Affairs.

20 2. On or about November 22, 2011, the Board received an Application for Licensure by
21 Examination from Niki Ann Huffman ("Respondent"). On or about October 22, 2011,
22 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
23 representations in the application. The Board denied Respondent's application on
24 February 13, 2012.

25 **JURISDICTION**

26 3. Pursuant to Business and Professions Code ("Code") section 485(b), on or about
27 February 13, 2012, Respondent's application was denied and she was notified of the right to a
28 hearing to appeal the denial.

1 4. On or about February 14, 2012, the Board received Respondent's request for a
2 hearing to appeal the denial of her application.

3 **STATUTORY PROVISIONS**

4 5. Code section 2736 provides, in pertinent part, that the Board may deny a license when
5 it finds that the applicant has committed any acts constituting grounds for denial of licensure
6 under Code section 480.

7 6. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed nurse or
9 deny an application for a certificate or license for the following:

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

12 7. Code section 480 states, in pertinent part:

13 (a) A board may deny a license regulated by this code on the grounds that the
applicant has one of the following:

14 (1) Been convicted of a crime. A conviction within the meaning of this section
15 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
Any action that a board is permitted to take following the establishment of a
16 conviction may be taken when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal, or when an order granting probation is made
17 suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code.

18 (3)(A) Done any act that if done by a licentiate of the business or profession in
19 question, would be grounds for suspension or revocation of license.

20 (B) The board may deny a license pursuant to this subdivision only if the crime
or act is substantially related to the qualifications, functions, or duties of the business
21 or profession for which application is made.

22 **FIRST CAUSE FOR DENIAL OF APPLICATION**

23 **(Conviction of a Crime)**

24 8. Respondent's application is subject to denial under Code sections 480(a)(1) and
25 2761(f), in that on or about June 15, 2004, in the case of *People v. Niki Ann Huffman*, (Super. Ct.
26 Stanislaus County, Case No. 1075661), Respondent was convicted by the Court on her plea of
27 guilty of violating Vehicle Code section 2001 (hit and run with injury), a misdemeanor. The
28 crime is substantially related to the qualifications, functions or duties of a licensed registered

1 nurse. The circumstances of the crime were that on or about May 17, 2004, Respondent drove a
2 vehicle and was involved in an accident, resulting in injuries to GC and DC. Respondent failed,
3 neglected, and refused to stop immediately, and then neglected and refused to render reasonable
4 assistance to the injured persons who were in need of assistance due to said accident.

5 **SECOND CAUSE FOR DENIAL OF APPLICATION**

6 **(Committed Acts Which If Done By A Licentiate)**

7 9. Respondent's application is subject to denial under Code section 480(a)(3)(A), in that
8 she committed acts which if done by a licentiate of the profession would constitute grounds for
9 discipline under Code section 2761(f) (conviction of a crime substantially related to the
10 qualifications, functions or duties of a license holder), as more particularly set forth above in
11 paragraph 8, above.

12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Denying the application of Niki Ann Huffman for a Registered Nurse License;
16 and,
17 2. Taking such other and further action as deemed necessary and proper.

18
19 DATED: August 9, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Letter of Public Reproval in Case No. 2013-109



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



February 7, 2013

Niki Ann Huffman
1412 Don Pedro Road
Ceres, CA 95307

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Statement of Issues Against:
Niki Ann Huffman, Registered Nurse License No. TBD

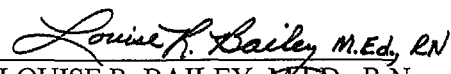
Dear Ms. Huffman:

On August 9, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed Statement of Issues 2013-109 in response to your request to appeal the Board's denial of your application for a Registered Nurse License. The Statement of Issues alleged that your application is subject to denial under Business and Professions Code sections 480, subdivision (a)(1) and 2761, subdivision (f), in that on June 15, 2004, you sustained a criminal conviction for violating Vehicle Code section 2001 (hit and run with injury), a misdemeanor. This is a crime that is substantially related to the qualifications, functions, and duties of a registered nurse. The same underlying facts support the denial of your application on the grounds you committed acts which if done by a licensee of the nursing profession would constitute grounds for discipline under Business and Professions Code section 480, subdivision (a)(3)(A).

Taking into consideration the fact that your crime occurred more than eight years ago, you have completed the court-ordered probation, and you have had no prior or subsequent convictions, it appears to be an isolated incident. You have completed your Modesto Junior College Associate Degree Nursing Program and have submitted letters of reference from two instructors who attest to your satisfactory completion of course work. There are other mitigating circumstances in this case that support the determination that you are safe to practice as a Registered Nurse; therefore, the Board has decided that the charges against you warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California